

EXHIBIT “5”

Affidavit of Wayne Kitchens

with investigating the acts, conduct, assets, liabilities and financial condition of Global Empire, the operation of its business, the desirability of the continuance of that business and any other matter relevant to the bankruptcy case.

5) In the course of my duties as counsel to the Trustee, I was provided with a copy of a PowerPoint presentation and copies of curriculum vitae of certain individuals purportedly associated with Global Empire. Since the description of Global Empire in that document included several affiliated entities with which I was not aware, I sent an e-mail on August 28, 2006 to Richard Fuqua, counsel for Global Empire, and Leonard H. Simon, counsel for Global Empire's CEO Dr. Rashid, requesting further information.

6) The very next day I received a reply from Leonard H. Simon, copying all parties to my e-mail, advising me that he was "told by David Bernstein, Dr. Rashid's lawyer in Canada, that this was a business plan that he assisted Dr. Rashid in formulating that never made it past the planning stage." David Bernstein was added by Mr. Simon as a recipient to that e-mail. A copy of that e-mail exchange is attached hereto as Exhibit 1.

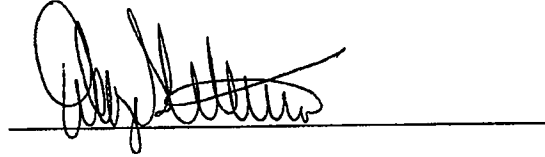
7) I have no record of Mr. Bernstein nor any other party providing further comment as to the truth of the allegations contained within the e-mail exchange nor do I recall ever receiving same.

8) This e-mail exchange and all other electronic communications related to the Global Empire bankruptcy case were stored by me in my regular course of business.

9) On December 6, 2006, the Global Empire bankruptcy case was converted to a case under Chapter 7 and I have had no further involvement in that case.

FURTHER AFFIANT SAYETH NOT.

Executed this January 31, 2008 under the laws of perjury of the
United States of America.



SWORN AND SUBSCRIBED BEFORE ME
ON THIS 31st DAY OF January, 2008.



Sandra C. Olvarez
Notary Public in and for the State of Texas
My commission expires on: 01-12-09

EXHIBIT “A”

Schuler, Elliot

From: Wayne Kitchens [WKitchens@hwallp.com]
Sent: Tuesday, August 29, 2006 10:28 AM
To: Schuler, Elliot
Subject: FW: Global Empire Powerpoint Presentation

Elliot: See below. This just gets more interesting day by day.

Wayne

From: Leonard H Simon [mailto:lsimon@Pendergrachtsimon.com]
Sent: Tuesday, August 29, 2006 10:27 AM
To: Wayne Kitchens; fuqua@fuquakeim.com
Cc: David Askanase; David Bernstein
Subject: RE: Global Empire Powerpoint Presentation

Wayne: I am told by David Bernstein, Dr. Rashid's lawyer in Canada, that this was a business plan that he assisted Dr. Rashid in formulating that never made it past the planning stage.

LEONARD H. SIMON PENDERGRAFT & SIMON L.L.P.

The Riviana Building
2777 Allen Parkway, Suite 800
Houston, Texas 77019

Office: 713-528-8555 Direct: 713-737-8207 Fax: 832-202-2810 Mobile: 713-253-2810

Office Email: lsimon@pendergrachtsimon.com Home Email: lsimon@houston.rr.com

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From: Wayne Kitchens [mailto:WKitchens@hwallp.com]
Sent: Monday, August 28, 2006 5:48 PM
To: Leonard H Simon; fuqua@fuquakeim.com
Cc: David Askanase
Subject: Global Empire Powerpoint Presentation

Gentlemen: Imagine David's surprise when he reviewed the attached and discovered he was the Trustee of a veritable conglomerate.

I suggest we speak after you've reviewed the above with your client. At the very least, David will insist on an accounting of these entities finances and their organizational structure vis-a-vis Global.

1/31/2008

Wayne

Wayne Kitchens
HughesWattersAskanase, LLP
Three Allen Center
333 Clay, 29th Floor
Houston, TX 77002
☎ (Direct): 713/328-2807
☎ (Main): 713/759-0818
☎ (Direct): 713/351-0307
☎ (Main): 713/759-6834
✉ wkitchens@hwa.com
Internet: www.hwa.com

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1/31/2008